

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL GONZALEZ,

X

Petitioner,

—against—

NEW YORK STATE DEPT. OF CORRECTIONS
COMMUNITY SUPERVISION,

Respondent.

X

ORDER
21-CV-2914-JHR-KHP

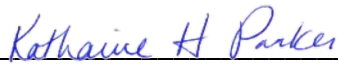
KATHARINE H. PARKER, United States Magistrate Judge.

On February 9, 2022, Petitioner filed a CPL § 440.10 motion in state court challenging the same conviction that he challenges in the underlying habeas petition in this action. On September 1, 2022, the Supreme Court of the City of New York issued a decision and order denying Petitioner's CPL § 440.10 motion. On November 1, 2022, this Court granted Petitioner's request to stay this action pending his appeal of the denial of his 440.10 motion. (ECF No. 40.) On May 25, 2023, by summary order, the New York State Supreme Court, Appellate Division, First Department denied petitioner's application for leave to appeal the CPL § 440.10 motion. **Accordingly, the stay in this action is lifted.**

The Clerk of the Court is respectfully directed to mail a copy of this order to the Petitioner.

SO ORDERED

Date: July 6, 2023
New York, NY



KATHARINE H. PARKER
United States Magistrate Judge